D.B.CIVIL WRIT PETITION NO. 82/2007

Lahru Ji & others
v.
State of Rajathan & ors.

Date of order : 10.01.2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE GOVIND MATHUR.

Shri V.S.Choudhary for the petitioners .

This writ petition has been filed purportedly as a public interest litigation challenging the allotment order of the Collector, Chittorgarh dated 16.10.2006 allotting part of land of khasra no. 6 of village Ajoliya ka Khera for establishing a 132 KV GSS on the land. It is said that the land in question is pasture land and in view of the provisions of rule 7 of the Rajasthan Tenancy (Government) Rules, 1955 the same can not be allotted. The petitioner has alternatively challenged vires of rule 7.

After hearing counsel for the petitioner we are satisfied that the petition has not been filed in public interest. From documents enclosed with the writ petition it appears that the Gram Panchayat Ajoliya ka Khera in its meeting on 20.7.2006 had given its consent for establishing 132 KV GSS on land of khasra no.10 and resolved that if the land of khasra no.10 is found to be short of requirement, portion of khasra no.6 may be allotted. The decision was taken

unanimously by the panchayat. The Collector in the allotment order noticed that as a result of construction of four-lane the land in question was no more useful as pasture land and accordingly issued the allotment order.

The petitioners who are four in number claim to be, respectively, the Sarpanch of Gram PanchayatPutholi and ward panchas of ward nos. 4 and 8 of Gram Panchayat Ajoliya ka Khera. The decision according consent to construction of 132 KV GSS having been taken unanimously, it is not understandable as to how the panchas could challenge the decision later. We are of the view that construction of 132 KV GSS itself is in public interest, and we are therefore not inclined to entertain this writ petition as public interest litigation.

The petition stands dismissed.

(GOVIND MATHUR), J. (S.N.JHA), C.J.

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